



## FEDERAL BUREAU OF INVESTIGATION

Date of entry 08/16/2019

**EMPLOYEE 5**, Unit Manager at the Bureau of Prison's (BoP) METROPOLITAN CORRECTIONAL CENTER (MCC), 150 Park Row, New York, New York, cellular telephone number (352) 203-7145, business telephone number (646) 836-6495, was interviewed by FBI Special Agent (SA) Elisabeth Wheeler, Office of the Inspector General (OIG) SA David Fusco, and Assistant United States Attorney (AUSA) Nicolas Roos of the Southern District of New York at FBI-New York offices at 290 Broadway, New York, New York. SA Fusco provided **EMPLOYEE 5** with an OIG "Warnings and Assurances to Employee Requested to Provide Information on a Voluntary Basis" form, which **EMPLOYEE 5** signed and was witnessed by SAs Fusco and Wheeler. SA Fusco retained the original and a copy is attached in the 1A section of this report.

After being advised of the identities of the interviewing Agents and AUSA, **EMPLOYEE 5** provided the following information:

**EMPLOYEE 5** has worked for BoP since March 6, 1994 and has worked at MCC since May 14, 2019. Prior to the MCC, **EMPLOYEE 5** worked at BoP's Federal Correctional Institution (FCI) Fort Dix (New Jersey), FCI Fairton (New Jersey), FCI Coleman (Florida), and FCI Yazoo City (Mississippi). **EMPLOYEE 5** has worked in Special Housing Units (SHUs) since 1995. **EMPLOYEE 5** became a supervisor in 2002 and a SHU supervisor in 2003, with the title of Lieutenant. **EMPLOYEE 5** does not have a BoP-issued phone and, like all MCC employees, cannot use his personal cellular telephone inside the facility, instead using radios to communicate. Flip phones are only available to personnel who need them when they leave the facility with prisoners or for other specific reasons.

**EMPLOYEE 5** currently supervises four areas of the MCC: 9 North, 11 South, 11 North, and 9 South. All areas under **EMPLOYEE 5**'s supervision are regular units with the exception of 9 South, which is the Long Term Special Housing Unit (SHU). **EMPLOYEE 5** technically supervises four employees; two counselors and two

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Investigation on 08/12/2019 at New York, New York, United States (In Person)

File # [REDACTED] Date drafted 08/13/2019

by Elisabeth Wheeler

case managers. However, he is currently without one counselor and case manager, which MCC is looking to hire, in addition to a secretary.

Each day, there are three working watches at the MCC. The day watch begins at 7:30 a.m. and ends at 4:00 p.m. The night watch begins at 4:00 p.m. and ends at midnight. The morning watch begins at midnight and ends at 8:00 a.m. Corrections Officers (COs) hold the rank of GS-5, GS-6, GS-7, or GS-8. They are organized into four groups; SHU 1, SHU 2, SHU 3, and SHU 4. Typically, the SHU 1 CO has the keys and therefore can't go down range and interact with inmates. SHU 1 opens and closes the doors and completes paperwork. SHU 2, 3, and 4 conduct rounds, provide the inmates with food, and secure the showers. At other BoP facilities where [REDACTED] EMPLOYEE 5 has worked, each group would be responsible for a separate range but that is not how it is organized at MCC, where each group does all ranges. There are six ranges within [REDACTED] EMPLOYEE 5's area of responsibility but only lieutenants can access one of the G range.

Two COs perform a count of all inmates at midnight, 3:00 a.m., and 5:00 a.m. In addition to these counts, COs conduct rounds every half-hour once the unit is locked down and the inmates are secured in their cells. Both counts and rounds are recorded, but on different types of sheets. [REDACTED] EMPLOYEE 5 reviewed examples of documentation of both counts and rounds which were provided by AUSA Roos, copies of which are attached in the 1A section of this report. The record of overnight rounds is signed by the Morning Watch Officer.

COs report to lieutenants, either the Operations Lieutenant or the Activities Lieutenant. The Operations Lieutenant handles overall issues while the Activities Lieutenant handles rounds and communication with staff. The day and night watch have both lieutenants on staff, but the morning watch only has the Operations Lieutenant. During the evening watch, the Activities Lieutenant makes a single round through his/her assigned units so that inmates have access to someone higher up the chain of command than their normal COs. During the morning watch, the Operations Lieutenant does the round. There is no sheet that documents these watches, but the lieutenants do keep a log of their rounds. On August 9, 2019, the day before JEFFREY EPSTEIN was found deceased in his cell, Lieutenant JEAN was the Activities Lieutenant and Lieutenant CANNATA was the Operations Lieutenant, who was filling in for another lieutenant on leave. The lieutenants report

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to Captain DARDEN, who always works the day watch.

In the SHU, inmates are allowed a single social call once a month, lasting fifteen minutes. To make a legal call, inmates must make a written request, called a cop-out. On days when inmates aren't allowed to shower, which is Tuesdays and Thursdays, EMPLOYEE 5 goes through the cop-out requests and begins the process of providing inmates with legal calls. To make a legal call, there is a specific phone that EMPLOYEE 5 brings to each cell and plugs into a jack outside the cell. EMPLOYEE 5 considers it a good day when he can get through all the requested legal calls in two full ranges.

EMPLOYEE 5 did not remember when EPSTEIN first came to the SHU. EMPLOYEE 5 figures EPSTEIN must have been housed with the prison's general inmate population at some point because, approximately one month ago, while EPSTEIN was already housed in the SHU, an inmate in the general prison population told EMPLOYEE 5 that EPSTEIN wanted to speak with EMPLOYEE 5 without providing a reason. EMPLOYEE 5 never had an in-depth conversation with EPSTEIN regarding this matter because EPSTEIN spent twelve hours a day, from 8:00 a.m. until 8:00 p.m., meeting with his lawyers. Any time EMPLOYEE 5 ran into EPSTEIN, he appeared to be in a good mood and EMPLOYEE 5 thought he was just a happy guy.

EMPLOYEE 5 does know that EPSTEIN was housed in the SHU when he attempted to commit suicide in July. EMPLOYEE 5 was in the elevator with one of the MCC's doctors who said she was en route to the SHU to tell all personnel that EPSTEIN always needed to have a cellmate as a result of this incident. This information was not provided in writing or listed anywhere in writing in the SHU office, it was instead passed onto each watch by word of mouth.

During the days prior to EPSTEIN's death, EMPLOYEE 5 ran into EPSTEIN as he was being escorted downstairs to meet with his lawyers on either Wednesday or Thursday. EPSTEIN told EMPLOYEE 5 he needed to set up his pack and pin, which allows inmates to make social calls. However, EPSTEIN had been unable to set it up because he was always meeting with his lawyers and was never in the SHU. EPSTEIN asked EMPLOYEE 5 to assist him because his normal unit manager was on leave. EMPLOYEE 5 looked in the system and verified the only call made by EPSTEIN from the MCC was the three-minute call given to inmates at the time of their initial intake into the facility. EMPLOYEE 5 made the request for EPSTEIN and obtained a paper printout of his pack and pin and provided it to EPSTEIN. EPSTEIN was happy, as were his lawyers, who made a thumbs-up

gesture to [REDACTED] EMPLOYEE 5

On Friday, August 9, 2019, [REDACTED] EMPLOYEE 5 worked from 11:00 a.m. to 7:00 p.m. as the Duty Officer. EPSTEIN told [REDACTED] EMPLOYEE 5 he wanted to make a call to his mother but had not yet been able to set up his pack and pin. [REDACTED] EMPLOYEE 5 views ensuring his inmates have family socialization as part of his job, so he allows inmates having technical problems with their pack and pin a single, fifteen minute call. [REDACTED] EMPLOYEE 5 told EPSTEIN his watch was ending at 7:00 p.m. that day and the only way he would be able to help him make a call was if he ended his meeting with the lawyers earlier than normal. [REDACTED] EMPLOYEE 5 checked and confirmed that EPSTEIN had not yet set up his pack and pin. At approximately 6:45 p.m., [REDACTED] EMPLOYEE 5 found EPSTEIN waiting for him to make that call.

EPSTEIN was handcuffed, searched, and brought upstairs. [REDACTED] EMPLOYEE 5 did not know which cell was EPSTEIN's and instead put EPSTEIN in the shower area on the G tier, which [REDACTED] EMPLOYEE 5 prefers for phone calls because inmates are not locked in their cells with the ability to pull the phone cord into their locked cell and use it to commit self-harm. The phone cord barely reaches into the shower, where the guards are also physically present with EPSTEIN. [REDACTED] EMPLOYEE 5 used the first outlet on the left, which is the legal line. EPSTEIN provided [REDACTED] EMPLOYEE 5 with a phone number beginning with (347). [REDACTED] EMPLOYEE 5 dialed the number and a male picked up the phone. [REDACTED] EMPLOYEE 5 handed the phone to EPSTEIN and heard him say, "Hey, how you doing? How's everything?" [REDACTED] EMPLOYEE 5 then left because his watch was over and EPSTEIN was being guarded by SHU COs MICHAEL DAVIS and T. NOEL and J. MASULLO from Internal. [REDACTED] EMPLOYEE 5 described EPSTEIN as very happy that he was able to make a phone call.

On the day EPSTEIN was found deceased (Saturday, August 10, 2019), [REDACTED] EMPLOYEE 5 was scheduled to work from 7:30 a.m. to 4:00 p.m. as the Duty Officer. Prior to arriving at work, [REDACTED] EMPLOYEE 5 received a phone call from Associate Warden (AW) SKIPPER-SCOTT who said EPSTEIN had attempted to commit suicide. [REDACTED] EMPLOYEE 5 took the train and, by the time he arrived at MCC, the news media was reporting that EPSTEIN was deceased.

Upon arriving at the MCC, [REDACTED] EMPLOYEE 5 completed some tasks before AW SKIPPER-SCOTT assigned him to the hospital on Park Row, which is separate from the main MCC building, and where EPSTEIN's body was being guarded. When [REDACTED] EMPLOYEE 5 arrived at the hospital with Case Management Coordinator (CMC) D. MCBAIN, who was responsible for taking EPSTEIN's fingerprints, COs DUPREE and ADAMS

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were with EPSTEIN's body and had secured the scene. [REDACTED] remained with COs DUPREE and ADAMS until personnel from the Office of Chief Medical Examiner (OCME) arrived to transport EPSTEIN to their facility. Due to the large news media presence outside the MCC, a male OCME official called and said he would be arriving at the loading dock with a black vehicle. In order to thwart the media, [REDACTED] DUPREE, and ADAMS used boxes and sheets to create what appeared to be a human body, which was put into the white OCME vehicle which the press followed, allowing the black vehicle to depart unnoticed with EPSTEIN's body.

After OCME departed with EPSTEIN's body, [REDACTED] returned to MCC and wrote a memo containing a timeline of events and a recount of the previous night's phone call. [REDACTED] provided this to AW EDGE, who is also new to MCC. Captain GLEN MCDONALD had emailed [REDACTED] but [REDACTED] responded that he couldn't talk about the situation. The only colleague whose phone number [REDACTED] has is AW SKIPPER-SCOTT, because he had to use his personal phone to email her his timeline of events and pictures of EPSTEIN's body prior to its transport by OCME. After sending these pictures, [REDACTED] deleted them from his phone. [REDACTED] didn't speak, text, or email with anyone else except his wife, who also works at the MCC in the Food Services section.

[REDACTED] heard other MCC employees discussing the suicide and how everyone was nervous and hoped all protocols had been followed. [REDACTED] heard from unspecified SHU personnel that EPSTEIN was found slumped over in his cell with a noose around his neck. [REDACTED] did not hear any other specifics except for CO DAVIS, who said he remembered EPSTEIN giving him a thumbs-up when he conducted the 10:00 p.m. stand-up count, when all inmates must physically stand. After his death, [REDACTED] learned EPSTEIN was housed on L tier, which houses approximately fifteen inmates.

The only time [REDACTED] saw the COs who were on watch during EPSTEIN's suicide was at some point on Saturday, August 10, 2019, when CO NOEL was standing outside the lieutenants' office and appeared to be in a daze. [REDACTED] knew Lieutenant JEAN conducted two welfare checks on employees that did not report to work on August 12, 2019; COs THOMAS and NOEL. These welfare checks are typically generated by the warden.

[REDACTED] observed that things are done differently at MCC than other BoP facilities at which [REDACTED] has worked. [REDACTED] believes that, because MCC

[REDACTED] is a high-rise facility and not a stand-alone facility, it may have allowed complacency to develop. One example of the difference between those other facilities and MCC is that MCC SHU inmates are allowed multiple sets of clothing and bedsheets at a time. Another example is that other SHUs have a color-coded board in the SHU office visually depicting special needs of inmates. Such a board would have provided a visual reminder to all SHU employees that EPSTEIN was to have a cellmate at all times.

[REDACTED] EMPLOYEE 5 did not know that EPSTEIN's cellmate had not returned from court on Friday. When shown the MCC Daily Assignment Rosters from August 9, 2019 and August 10, 2019 (copies of which are attached in the 1A section of this report), [REDACTED] EMPLOYEE 5 said COs R. ADAMS, R. SILVIA, R. CHIMMING, and N. DEJESUS would have been in a position to know EPSTEIN was without a cellmate based on their assignments. If [REDACTED] EMPLOYEE 5 had been aware, he would have kept EPSTEIN handcuffed in a holding cell until he found him a new cellmate.

[REDACTED] EMPLOYEE 5 was not aware that the MCC's video surveillance system was not functioning properly at the time of EPSTEIN's death. [REDACTED] EMPLOYEE 5 always operated under the assumption that it was and that someone was always watching.

[REDACTED] EMPLOYEE 5 did not have access to the live camera feed, only lieutenants could view the system.